

## REMARKS

This amendment is in response to the Official Action mailed January 20, 2004.

Five sheets of formal drawings, together with a Letter to the Official Draftsperson, have been submitted herewith to replace the informal drawings filed with this application.

In the present paper, Applicant has amended claims 1, 7, 16, 21 and 34. Additionally, claims 30 and 31 have been separated to appear in different paragraphs, to address the Examiner's objection. Claims 1-36 are presented for the Examiner's consideration in view of the following remarks:

### *The Present Application*

The present application is directed to an apparatus and method for controlling a network device using a docking station and a personal communications device such as a cell phone. The technique deduces the physical location of a personal communications device based on the engagement or disengagement of the communications device with a docking station, and takes appropriate action. For example, if a user places her cell phone in a docking station in her home, a command may be sent to forward her office calls to her home. Additionally, calls to her cell phone may be forwarded to her home number (see present specification at [22]).

The inventor has devised a method and apparatus whereby predetermined network commands are selected and transmitted based on a physical engagement or disengagement of the personal communications device with a housing of a docking station. That physical engagement is used in the technique of the invention to deduce a physical location of the personal

communication device. Appropriate action is then taken in the network by selecting predetermined commands in response to that information.

The present invention is especially useful in an embodiment forwarding voice calls, although data communications are also contemplated in some embodiments.

The technique may also be used to automatically transfer calls from one communications device to another without an incoming ring signal. For example, a user may place a personal communications device in a docking station during an ongoing telephone conversation. The call is automatically transferred to a nearby landline phone without any incoming ring signal from the network.

Exemplary claim 1 of the present application, as amended, is directed to a method for controlling a network device. The method includes the steps of detecting an engagement of a personal communications device with a housing of a docking station, and in response to the detecting step, selecting at least one predetermined command from a plurality of predetermined commands, the predetermined command including an address of the network device. The predetermined command is then transmitted from the docking station to the network device.

In exemplary claim 21, as amended, an apparatus is claimed for controlling a network device. The apparatus includes a housing adaptively configured to receive a personal communications device, and a processor coupled to the housing. A memory, coupled to the processor, is provided to store instructions adapted to be executed by the processor to detect engagement or disengagement of the personal communications device with the housing, select a predetermined command from a plurality of predetermined commands based upon the detection of engagement or disengagement, and transmit the predetermined command to the network device. A port is coupled to the processor and adapted to be coupled to a network.

In exemplary claim 26, a method is claimed for transferring an active phone call using a network communications device. A transfer command is received at the network communications device, the transfer command being associated with an active phone call on a first communications device. The active phone call is transferred to a second communications device, the transferring being without an incoming ring signal.

The Examiner has rejected claims 1-15, 26-32, 34 and 35 under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,519,458 to Oh et al. ("Oh"); has rejected claims 16-20 and 33 under 35 U.S.C. § 103(a) as unpatentable over Oh in view of U.S. Patent No. 6,571,092 to Faccin et al. ("Faccin"); has rejected claims 21-25 under 35 U.S.C. § 103(a) as unpatentable over Oh in view of U.S. Patent Publication No. 2003/0017810 to Janninck et al. ("Janninck"); and has rejected claim 36 under 35 U.S.C. § 103(a) as unpatentable over Oh in view of U.S. Patent No. 6,529,143 to et al. ("Mikkola");

#### *The Oh Patent*

Oh discloses a wireless data transport method for establishing a connection between a mobile terminal and a server. An interworking function device (IFD) is used between the mobile terminal and the server to establish a radio link to the mobile terminal. Either a packet-switched channel or a circuit-switched channel is then established between the IFD and a server.

Oh addresses the problem of transporting data from a mobile terminal to a server in a packet-switched network. The data is transmitted via a direct connection through a circuit-switched data channel.

The mobile terminal of Oh is not "engaged" with a "housing" of the IFD. Instead, Oh discloses the mobile device as being connected to the IFD only via a remote radio link (Oh, col.

4, lines 18-22). No physical engagement of the mobile terminal and the IFD is suggested. There is no disclosure of a docking station, a housing or any similar device that infers a physical connection between the mobile terminal and the IFD.

The Oh patent is directed to a data connection between the mobile terminal and a server (Oh, col. 4, lines 22-24; col. 5, lines 24-26; col. 6, lines 8-21). Oh does not teach the use of its data connection for voice, and does not teach the forwarding or redirecting of voice calls.

#### *The Faccin Patent*

Faccin discloses a technique for permitting call-back in emergency situations where a mobile terminal had no identity and no call-back number. The method permits call back in the case of a dropped call. Specifically, should an answering point “wish to call back the mobile terminal,” a call can be set up using a temporarily-assigned call-back ID (Faccin, col. 2, lines 56-61). There is no disclosure in Faccin of “detecting” a dropped call and taking action based on that detection. Instead, if a call is dropped and an answering point “wishes” to call back, the disclosed technique is used.

#### *The Janninck Publication*

Janninck shows a two-part mobile communications device having a rotational mechanism connecting the two parts. Janninck is directed to the problem of providing a collapsible mobile phone device having a viewable display in the closed position (Janninck, para. [0005]).

Janninck does not disclose detecting the engagement or disengagement of the two parts. There is further no teaching or suggestion in Janninck to transmit to a network a predetermined command based on the engagement or disengagement of the parts.

*Discussion*

Claims 1-15

Applicant has amended claim 1 to require that the engagement of the personal communications device with the docking station is with a housing of the docking station. That amendment makes clear the physical nature of the engagement; i.e., the personal communications device is physically engaged with the docking station. In that way, the technique of the invention deduces a physical location of the personal communications device and takes action by selecting a command based on that inference. In claim 1, in response to detecting the engagement of the personal communications device with the housing of the docking station, a predetermined command is transmitted to a network device.

10 In contrast, the mobile terminal of Oh is connected to the IWF only by a radio link. No engagement of a housing is disclosed in Oh. The radio link of Oh would not reveal the physical location of the mobile terminal, and detection of the link would therefore not be useful in selecting and transmitting the predetermined command as claimed in claim 1.

24 Applicant submits that the radio link of Oh is not an engagement with a housing as required by amended claim 1, and that claim 1 is therefore not anticipated by Oh. Applicant further submits that claims 2-15, which depend directly or indirectly from claim 1 and incorporate its limitations, are patentable for at least the same reason.

Applicant further submits that claim 7, as amended, is not anticipated by Oh because, as discussed above, Oh is directed exclusively to data links, and does not contemplate voice links. The present invention, as embodied by claim 7, is limited to causing, in response to the engaging

step, a network call controller to transfer an active voice phone call from the personal communications device to an alternative communications device, without an incoming ring signal. That feature of the present invention permits a user to simply place his cell phone in a docking station and automatically have his call transferred to a nearby land line phone without an incoming ring signal. Applicant submits that claim 7 is patentable over Oh for that additional reason.

#### Claims 16-20

Applicant has amended claim 16 in a manner similar to claim 1, and submits that claim 16 is patentable for the same reasons discussed above with respect to claim 1.

Applicant further submits that Faccin, cited by the Examiner in combination with Oh, nowhere discloses “detecting disengagement of a communications device from a housing of a docking station,” as required by claim 16. Instead, in Faccin, the problem addressed is that calls are “dropped.” A dropped call in no way suggests a disengagement from a housing, as now required by claim 16.

Additionally, Applicant respectfully submits that Faccin does not teach or suggest “detecting” any status of the call. Instead, as noted above, Faccin discloses that,

should the call . . . be dropped for any reason, and should  
the PSAP wish to call back to the mobile terminal, a call  
setup is arranged . . .

(Faccin, col. 2, lines 57-59). Thus, the dropped call is not detected as required by claim 16; instead, should the need arise to reconnect a dropped call, the system of Faccin permits the PSAP to do so.

Applicant therefore submits that claim 16, as well as claims 17-20 which depend from claim 16, are patentable over the combination made by the Examiner.

Claims 21-25

Applicant has amended claim 21 to require that the selection of the predetermined command be “based upon the detection of engagement or disengagement” of the personal communications device with the housing. The Examiner has rejected claims 21-25 as unpatentable over Oh in view of the rotatable communication device of Janninck.

While Janninck discloses a position sensor for sensing a relative position of the upper and lower housings of the device (para. [0035]), Janninck in no way teaches or suggests detecting “engagement or disengagement” of those components, as required by claim 21.

Further, output from the sensor of Janninck is used to activate particular functions of the communication device itself, and the output is not used to select a predetermined command to be transmitted to a network device, as required in claim 21.

Applicant additionally respectfully submits that there would have been no motivation at the time the invention was made to incorporate the housing of Janninck, including the rotatable feature, into the mobile terminal of Oh. The Examiner states that motivation for doing so is the need to “provide support for the mobile device.” That need, however, provides motivation for combining the Oh device with any known mobile phone housing, and provides no motivation to select the Janninck housing (with its rotational housing and detection features) over any other housing. Applicant therefore submits that claim 21 is patentable over the combination made by the Examiner for the additional reason that there is no suggestion to combine the cited references.

Claims 26-33

Applicant respectfully submits that several limitations of claim 26 are not taught or suggested by the Oh reference cited by the examiner, and for that reason, claims 26-33 are patentable.

First, Oh does not teach or suggest “transferring an active phone call,” as required by claim 26. Instead, Oh teaches a wireless data transport method. There is no discussion of transferring a call and no disclosure relating to an “active” phone call. The Examiner does not address that limitation in the rejection.

Secondly, Oh does not disclose taking any action “without an incoming ring signal.” Ring signals are not discussed in Oh. The Examiner similarly does not discuss that limitation in the rejection.

Claims 34-36

Applicant has amended claim 34 in a manner similar to claim 1, requiring that the engagement be with a “housing” of the first network terminal. Applicant therefore submits that claim 34, and dependent claims 35 and 36, are patentable for the same reasons discussed above with regard to claim 1.


*Conclusion*

Applicant therefore respectfully asserts that claims 1-36 are now in condition for allowance, and earnestly request that the Examiner issue a Notice of Allowance.



Should the Examiner have any questions regarding the present case, the Examiner should not hesitate in contacting the undersigned at the number provided below.

Respectfully submitted,

By 

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